

**5-17-D. Emergency TROs (1200 TN 350 5-17-D)**

1. **AUTHORITY.** Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including Section 16(c), to refer requests for emergency Temporary Restraining Orders to the Department of Justice and the appropriate United States Attorney.
2. **TO WHOM DELEGATED.** Deputy Regional Administrator.
3. **LIMITATIONS.**
  - a. The delegatee must obtain the advance concurrence of the Regional Counsel (RC) on the legal sufficiency of the referral before exercising this authority. The RC may waive concurrence in writing.
  - b. The delegatee must notify the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) before exercising this authority. The AA/OECA may waive the requirement for notification in writing.
  - c. The AA/OECA must notify the appropriate RA before exercising this authority.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the branch chief level, and no further. This authority may not be redelegated without formal amendment.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
  - b. For referral of other civil actions under FIFRA, see the Chapter 5 delegation entitled "Civil Judicial Enforcement Actions."
6. **SUPERSESSION.** Delegations Manual, FIFRA, Regional Delegation 5-17-D. Emergency TROs, 1200 TN RIII 195 (April 27, 2017).

Date: APR 15 2019  
Cosmo Servidio  
Regional Administrator